

### REMARKS

Claims 1-3, 5-20, 22-25 and 27-29 are currently pending in the subject application. Claims 1, 2, 10, 11, 12, 23, 29 have been amended herein, and claims 19, 20, 22 cancelled. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1, 10 and 29 Under 35 U.S.C. §101**

Claims 1, 10 and 29 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims are directed to an industrial system/methodology, and produce useful, concrete and tangible results.

Because the claimed process applies the Boolean principle [abstract idea] ***to produce a useful, concrete, tangible result*** ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been ***reduced to some practical application rendering it "useful."*** *AT&T* at 1357 *citing In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (Emphasis added) (holding that more than an abstract idea was claimed because the claimed invention as a whole was directed toward forming a specific machine that produced the useful, concrete, and tangible result of a smooth waveform display).

Contrary to the assertions made in the Office Action, the subject claims provide for a useful invention as disclosed in applicant's specification. Independent claims 1, 10, 29 recite systems/methodologies related to an industrial system acts that eliminate requirements of installing proprietary data access software and/or platform specific software being tailored for the industrial device(s). Put differently, conventional systems typically require installation and execution of custom interfaces and specialized drivers on both the computing and industrial control device. Such

custom and specialized software typically depend on operating system; and thus, a plurality of drivers may need to be generated and loaded in order to provide access by various systems running different operating systems. Thus, the subject invention improves upon conventional systems *via* mitigating a need to develop, install and execute custom interface and specialized drivers on the industrial control and computing devices. Accordingly, performance can be improved *via* freeing processing cycles and memory and reduce cost associated with interface and driver development, testing and maintenance. The subject specification provides ample examples of practical applications along with satisfactory explanations illustrating the usefulness of such data access methodology and system.

In view of at least the above, it is readily apparent that the claimed invention reduces to a practical application that produces a useful, concrete, tangible result. Thus, the subject claims satisfy the utility requirement of 35 U.S.C. §101, and this rejection should be withdrawn.

## **II. Rejection of Claims 1-3, 5-7, 9-20, 22-25 and 28-29 Under 35 U.S.C. §103(a)**

Claims 1-3, 5-7, 9-20, 22-25 and 28-29 stand rejected under 35 U.S.C. §103(a) as being obvious over Mehta (US Patent 5,999,933) in view of Scott (US Publication 2003/0172046). Withdrawal of this rejection is respectfully requested for at least the following reasons. Mehta alone or in combination with Scott, does not teach or suggest the claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. ***Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*** See MPEP §706.02(j).

The subject invention in part is in part directed to ***generating*** a database table that contains industrial data *via* a mapping component, wherein such data is ***accessible through*** a standard database interface ***without*** requirement of ***proprietary data*** access software tailored for the industrial device(s), and/or without requirement of ***platform specific software*** being tailored

for the industrial device(s), and/or employing classifiers. For example, tables generated *via* such mapping can be accessed through a standard database interface such as JDBC, which typically is employed in connection with a host driver that is written in JAVA such that it can be ported to essentially any platform. Thus, a programmer can write code that can read from and write to these database tables without any platform specific software (*e.g.*, interfaces, drivers and operating system specific software). Moreover, in networked environments an ***arbiter component*** facilitates access between the industrial networks and computer networks for access to the database tables, for example. In addition, one aspect of the subject invention as recited in the subject claims employs ***classifiers*** (*e.g.*, artificial intelligence) to generate the database tables. Such aspects of the claimed invention are not taught or suggested by Mehta alone or in combination with Scott.

Mehta employs extraction logic tailored ***to specific data types for extracting data*** in data structures in the memory dump. Such extraction logic is used in conjunction with ***a template library*** that contains data structure definitions for various types of data structures. Put differently, Mehta is ***specific to type of data structure or definition specific*** - and if, as suggested by the Office Action is incorporated as part of an industrial unit, will then require platform specific software. Scott fails to make up for the deficiencies of Mehta with respect to the subject independent claims. Scott is directed to managing devices through the use of a database application programming interface ("API"), which enables an application program to treat a device as if it were a relational database, through which database operation requests translate to actual device management commands.

Independent claim 1 recites: "the database table(s) accessible through a standard database interface ***without requirement of proprietary data access software*** tailored for the industrial device(s) [...] an ***arbiter component*** that facilitates access between industrial devices and computer network for an access to the database tables." Similar limitation of "[...] without requirement of ***platform specific software*** tailored for an industrial device(s) controlled by the industrial control device [...]", and limitation of "an intelligence component that employs classifiers [...]" are recited in independent claim 10. Likewise, independent claim 23 recites "accessing [...] without platform specific software associated with the industrial device(s). Additionally, independent claim 29 recites "an intelligence component with classifiers that determines [...]."

In view of the at least above comments, it is readily apparent that Mehta in view of Scott does not teach or suggest the subject invention as recited in independent claims 1, 10, 23, 29 and claims dependent thereupon, and this rejection should be withdrawn.

**III. Rejection of Claims 8 and 27 Under 35 U.S.C. §103(a)**

Claims 8 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over Mehta and Scott, and further in view of Ito *et al.* (U.S. Publication Number 2004/0143791). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 8, 27 depend from independent claims 1, 23 respectively, and Ito *et al.* does not make up for the aforementioned deficiencies of Mehta and Scott with respect to the subject independent claims. Accordingly, withdrawal of this rejection is respectfully requested

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP330US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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